GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Labour Employment Training and Factories Department – Employees State Insurance Act, 1948 – Request for Exemption under section 87 & 88 of the Employees State Insurance Act, 1948 to the employees working in Navy Children School, Visakhapatnam who are spouses of serving service personnel for a period from April '2013 to August' 2015 – Rejected - Orders – Issued.

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LABOUR EMPLOYMENT TRAINING & FACTOIRES (IMS&VIG) DEPARTMENT

G.O.RT.No. 673 **Dated: 11-12-2015**

Read the following :-

1) From the Chairman NCS(VZA), Head quarters, Eastern Naval Command, Naval Base, Visakhapatnam Lr.Ref.No. ED/0106/ NCS(V)/ESIC, Dt.19-06-15.
2) From the Dir, IMS, AP, Hyd., Lr.Rc.No.816/Plg/2014, Dt.10-07-2015.
3) From the Chairman, NCS(VZA), Head Quarters, Eastern Naval Command, Naval Base, Visakhapatnam, Lr.Ref.ED/0106/NCS(V)/ ESIC, Dt.24-08-2015.
4) G.O.Rt.No.517, LET&F(IMS) Department, Dt.16-10-2015.
5) From the Office of the Chairman, NCS(VZA), Head Quarters, Eastern Naval Command, Naval Base, Visakhapatnam, Lr.Ref.ED/ 0106/ NCS (V)/ESIC, Dt.12-10-15.

x-x-x

ORDER :

The Commander Director, Navy Children School (Visakhapatnam) for Chairman, Navy Children School (Visakhapatnam) in the letter 5th read above has stated that exemption from payment of ESI contribution for employees who are spouses of serving service personnel who are entitled for free medical treatment in Military Hospitals/Empanelled Corporate Hospitals be granted according to ESI Act 1948 under section 88 chapter VII miscellaneous from retrospective date of April, 2013 to August, 2015. They are therefore requested the waiver of payment for the above mentioned period for employees who are spouses of serving service personnel be exempted.

2. The Director of Insurance Medical Services, Andhra Pradesh, Hyderabad in the letter 6th read above has furnished the Minutes of the meeting of the Standing Committee for Exemptions held on 06-07-2015 at 3.00 PM at O/o. Regional Director, ESIC, Hyderabad and according to which the Committee examined the application of Navy Children School, Visakhapatnam and opined that as per amended provisions under Section 91(A) of the ESI Act "any notification granting exemption under Section 87,88,90 or under Section 91 may be issued so as to take effect prospectively on such date as may be specified therein". As per amended provisions exemption is not supposed to be granted retrospectively. As such exemption for Navy Children School cannot be considered as its retrospective consideration and is not under the purview of the committee as per the amended ESI Act.

3. Government, after examination of the recommendations of the Standing Committee for Exemptions and under the provisions of Section 91-A of Employees' State Insurance Act, 1948 as amended through the Employees State Insurance (Amendment) Act, 2010 (18 of 2010), Dt.24-5-2010 hereby reject the request of the Commander Director, Navy Children School (Visakhaptnam) for exemption under section 88 of the ESI Act, 1948 in respect of the employees working in the Navy Children School, Visakhapatnam who are spouses of serving service personnel from retrospective date of April, 2013 to August, 2015.

p.t.o.

4. The Director of Insurance Medical Services, Andhra Pradesh, Hyderabad is requested to take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.ANANTHA RAMU,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Director of Insurance Medical Services, Andhra Pradesh, Hyderabad.
The Regional Director, E.S.I. Corporation, Hill Fort Road, Hyderabad.
Copy to: Office of the Chairman Navy Children School (Visakhapatnam), Head quarters, Eastern Naval Command, Naval Base, Visakhapatnam.
The OSD to Minister (LET&F)
Sf/Sc.

//Forwarded :: By order//

SECTION OFFICER